

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

DEVELOPMENT OF DNA PROBES AND IMMUNOLOGICAL REAGENTS SPECIFIC FOR CELL SURFACE-EXPRESSED MOLECULES AND TRANSFORMATION-ASSOCIATED GENES

the specification of which:
(check one)

_____ is attached hereto.

X was filed on January 11, 1996 as
PCT/US96/00307 and entering National
Application Serial No. stage on July 11, 1997, U.S. Serial
No. 08/875,553.

and was amended _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 (a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International Application which designated at least one country other than the United States, listed below. I have also identified below any foreign application for patent or inventor's certificate, or PCT International Application having a filing date before that of the earliest application from which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
<u>Number</u>	<u>Country</u>	<u>Filing Date</u>	<u>Yes</u>	<u>No</u>
N/A	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Applicants: Paul B. Fisher and Dr. Ruoquian Shen
Serial No. 08/875,553
Filed: July 11, 1997
Exhibit 1

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

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Application Serial No. stage on July 11, 1997, U.S. Serial
No. 08/875,553.

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I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 (a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International Application which designated at least one country other than the United States, listed below. I have also identified below any foreign application for patent or inventor's certificate, or PCT International Application having a filing date before that of the earliest application from which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

[illegible]

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

<u>Provisional Application No.</u>	<u>Filing Date</u>	<u>Status</u>
N/A		

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States Application(s), or Section 365(c) of any PCT International Application(s) designating the United States listed below. Insofar as this application discloses and claims subject matter in addition to that disclosed in any such prior Application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which became available between the filing date(s) of such prior Application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
PCT/US96/00307	January 11, 1996	Pending
08/371,377	January 11, 1995	Pending

And I hereby appoint

John P. White (Reg. No. 28,678); Norman H. Zivin (Reg. No. 25,385); Ivan S. Kavrukov (Reg. No. 25,161); Christopher C. Dunham (Reg. No. 22,031); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Albert Wai-Kit Chan (Reg. No. 36,479); Matthew B. Tropper (Reg. No. 37,457); Robert T. Maldonado (Reg. No. 38,232); Mary Anne P. Tanner (Reg. No. 40,197); Mary Catherine DiNunzio (Reg. No. 37,306); Paul Teng (Reg. No. 40,837); George M. MacDonald (Reg. No. 39,284); and Victor DeVito (Reg. No. 36,325).

and each of them, all c/o Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 10036, my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

Please address all communications, and direct all telephone calls, regarding this application to:

John P. White Reg. No. 28,678
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
Tel. (212) 278-0400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first joint inventor Paul B. Fisher

Inventor's signature 

Citizenship U.S.A. Date of signature 1/28/98

Residence 15 Gordon Place, Scarsdale, New York, New York 10583, U.S.A.

Post Office Address same

Full name of joint inventor (if any) Ruoquian Shen

Inventor's signature _____

Citizenship People's Republic of China Date of signature _____

Residence 625 West 169th Street, Apt. No. 53-B, New York, New York 10032, U.S.A.

Post Office Address same

Full name of joint inventor (if any) _____

Inventor's signature _____

Citizenship _____ Date of signature _____

Residence _____

Post Office Address _____

IN THE UNITED STATES ELECTED OFFICE (EO/US)

Applicants: Paul B. Fisher and Dr. Ruoqian Shen

Serial No.: 08/875,553 Int'l
Appl'n No.: PCT/US96/00307

Filed : July 11, 1997 Int'l Filing
Date: January 11, 1996

For : DEVELOPMENT OF DNA PROBES AND IMMUNOLOGICAL
REAGENTS SPECIFIC FOR CELL SURFACE-EXPRESSED
MOLECULES AND TRANSFORMATION-ASSOCIATED GENES

1185 Avenue of the Americas
New York, New York 10036

Honorable Commissioner of Patents
And Trademarks
Washington, D.C. 20231

Sir:

DECLARATION OF ALBERT WAI-KIT CHAN, ESQ. IN
SUPPORT OF PETITION TO COMMISSIONER UNDER 37 C.F.R. 1.47(a)

I, Albert Wai-Kit Chan, hereby declare as follows:

1. On December 15, 1997, I sent a letter (a copy of which is attached hereto as Exhibit C) to Dr. Ruoqian Shen enclosing a copy of the above-identified application, including the specification, claims, and figures, and a Declaration and Power of Attorney form. This letter was mailed to Dr. Ruoguain Shen, 625 West 169th Street, Apt. 53-B, New York, New York 10032. At the time, I believed this to still be Dr. Shen's residence address.
2. On February 4, 1998, I sent a letter (a copy of which is attached hereto as Exhibit D) to Dr. Ruoqian Shen enclosing a copy of the above-identified application, including the specification, claims, and figures, and a Declaration and Power of Attorney form. This letter was mailed to Dr. Ruoguain Shen, 625 West 169th Street, Apt. 53-B, New York, New York 10032. At the time, I believed this to still be Dr. Shen's residence address.

Applicants: Paul B. Fisher and Dr. Ruoqian Shen
Serial No. 08/875,553
Filed: July 11, 1997
Exhibit B

IN THE UNITED STATES ELECTED OFFICE (EO/US)

Applicants: Paul B. Fisher and Dr. Ruoqian Shen
Serial No.: 08/875,553 Int'l
Appl'n No.: PCT/US96/00307
Filed : July 11, 1997 Int'l Filing
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For : DEVELOPMENT OF DNA PROBES AND IMMUNOLOGICAL
REAGENTS SPECIFIC FOR CELL SURFACE-EXPRESSED
MOLECULES AND TRANSFORMATION-ASSOCIATED GENES

1185 Avenue of the Americas
New York, New York 10036

Honorable Commissioner of Patents
And Trademarks
Washington, D.C. 20231

Sir:

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SUPPORT OF PETITION TO COMMISSIONER UNDER 37 C.F.R. 1.47(a)

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1. On December 15, 1997, I sent a letter (a copy of which is attached hereto as Exhibit C) to Dr. Ruoqian Shen enclosing a copy of the above-identified application, including the specification, claims, and figures, and a Declaration and Power of Attorney form. This letter was mailed to Dr. Ruoguan Shen, 625 West 169th Street, Apt. 53-B, New York, New York 10032. At the time, I believed this to still be Dr. Shen's residence address.
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Applicants: Paul B. Fisher and Ruoqian Shen
Serial No. Not Yet Known
Filed: July 11, 1997
Page 2

3. On April 22, 1998, I sent a letter (a copy of which is attached hereto as Exhibit E) to Dr. Ruoqian Shen enclosing a copy of the above-identified application, including the specification, claims, and figures, and a Declaration and Power of Attorney form. This letter was mailed to Dr. Ruoguan Shen, 625 West 169th Street, Apt. 53-B, New York, New York 10032. At the time, I believed this to still be Dr. Shen's residence address.
4. On April 23, 1998, Scot G. Hamilton, Director, Health Sciences, Columbia Innovation Enterprises of Columbia University which is the assignee of the above-identified application, informed me that after July 1, 1997 Dr. Shen's new address and phone number would be:
Apt. 1R
1693 Grove Street
Ridgewood, NY 11385
1-718-366-2981
5. On April 24, 1998, I sent a letter (a copy of which is attached hereto as Exhibit F) to Dr. Ruoqian Shen enclosing a copy of the above-identified application, including the specification, claims, and figures, and a Declaration and Power of Attorney form. This letter was mailed to Dr. Ruoguan Shen, 1693 Grove Street, Apt. 1R, Ridgewood, New York 11385.
6. On April 28, 1998, I called 718-366-2981, an answering machine picked up; I could not identify the voice but left a message for Dr. Shen.
7. On May 8, 1998, I called 718-366-2981, an answering machine picked up; I could not identify the voice but left a message for Dr. Shen.
8. On May 11, 1998, I received back from Federal Express the above-described April 24, 1998 letter enclosing a copy of

Applicants: Paul B. Fisher and Ruoqian Shen
Serial No. Not Yet Known
Filed: July 11, 1997
Page 3

the above-identified application, including the specification, claims, and figures, and a Declaration and Power of Attorney form, which Federal Express was unable to successfully deliver. (I attach hereto as Exhibit G a copy of the envelope returning this letter.)

9. As of the date of this petition, I have been unable to reach Dr. Shen and Dr. Shen has not responded to any of my attempts to reach him regarding a 37 C.F.R. 1.63 Declaration for the above-identified application.

Albert Wai-Kit Chan
Albert Wai-Kit Chan
Registration No. 36,479

5/22/98
Date